



FISCAL MEMORANDUM

HB 457 - SB 1472

March 8, 2022

SUMMARY OF BILL AS AMENDED (014973): Authorizes a defendant for whom bail has been set to pay the bail bond with a credit card, debit card, or internet or mobile cash application. Authorizes the court clerk to charge a fee to pay for any cost charged to the clerk for accepting the applicable method of payment.

FISCAL IMPACT OF BILL AS AMENDED:

Decrease Local Expenditures - \$1,584,000/FY22-23 and Subsequent Years

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-11-118(a), any defendant for whom bail has been set may execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money in cash equal to the amount of the bail. The proposed legislation authorizes the payment to also be made by credit card, debit card, or internet or mobile cash application.
- Some decrease in local incarceration expenditures resulting from releasing individuals from local jail prior to a court hearing will be offset by an increase in local incarceration expenditures resulting from longer local incarceration sentences without the use of time served credits, additional processing efforts to release individuals, and law enforcement efforts resulting from released individuals reoffending.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- According to the 2019 Knox County *Jail Population & Justice System Analysis*, the three-year average for pretrial time in jail custody is 11.7 days.
- For the purposes of this analysis, it is assumed that an additional 3,000 defendants will be released on bond, under the provisions of this legislation, 8.7 days earlier and not be convicted.
- The recurring decrease in local expenditures is estimated to be \$1,584,009 ($\$60.69 \times 8.7 \times 3,000$) in FY22-23 and subsequent years.
- Any revenue received from fees charged for alternative payments processing is assumed to be offset equally by expenditures in fees paid to payment processing vendors.

- Passage of this legislation is not expected to substantially impact the total number of defendants who do not make their appearance in court following the execution of bail; therefore, it will not significantly impact state or local revenue.
- Any increase in workload to sheriffs, magistrates or other officers having authority to admit to bail can be accommodated with existing personnel.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj